

Irwin Company Access and Utility Easement

Prepared by:

Butler, Snow, O'Mara, Stevens & Cannada, PLLC

Attn: Kelly P. Bridgforth

6075 Poplar Avenue, Suite 500

Memphis, TN 38119

(901) 680-7200

To the Chancery Clerk of DeSoto County, Mississippi:

The real property described herein is situated in the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) and the West Half (W1/2) of the Northwest Quarter (NW ¼) of Section 16, Township 2 South, Range 9 West of DeSoto County, Mississippi.

**PERMANENT ACCESS AND UTILITY EASEMENTS AND
TEMPORARY CONSTRUCTION EASEMENT**

IRWIN COMPANY

GRANTOR

TO

DESOTO COUNTY REGIONAL UTILITY AUTHORITY

GRANTEE

In consideration of Ten Dollars (\$10.00) and other good and valuable consideration, **IRWIN COMPANY** (the "Grantor"), grants to **DESOTO COUNTY REGIONAL UTILITY AUTHORITY** ("Grantee"), a body politic, two (2) perpetual and assignable access and utility easements and rights-of-way in, on, over and across the land, for the location, operation, maintenance, alteration, repair and patrol of an underground sewer pipeline; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the land-owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines over the land in DeSoto County, Mississippi described as part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) and the West Half (W ½) of the Northwest Quarter (NW ¼) of Section 16, Township 2 South, Range 9 West of DeSoto County, Mississippi, and being more particularly described in Exhibit "A" attached hereto.

The Grantor further grants to Grantee a temporary construction easement and right-of-way, as more specifically described on the attached Exhibit "A."

Upon completion of the construction of the force main and future gravity pipeline within the above described permanent access and utility easements, the above-described temporary construction easement shall terminate.

Any subsequent easement holder other than Grantee with respect to the easement described above shall not cross or share the above described easement until such time as such subsequent easement holder has notified Grantee, in advance, of such desire to cross or share such easement on terms and conditions acceptable to Grantee so as not to compromise Grantee's sewer pipeline.

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The Grantor acknowledges the existence of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, and acknowledge that it is aware of its rights under said Act, including but not limited to:

- a) notification of the Grantee's desire to obtain the property and receipt of a copy of the above named Act;
- b) the opportunity to receive an appraisal and to accompany the appraiser during the initial inspection; and
- c) an opportunity to have the value of the property determined by a Court of competent jurisdiction and to be compensated therefore.

Grantor fully understands that it has the right to receive just compensation for the real property herein described based on an appraisal of said property. Grantor hereby waives its right to just compensation and donates the parcel of property herein described to DeSoto County Regional Utility Authority.

WITNESS MY SIGNATURE on the date set forth below.

The Address and Telephone
Number of the Grantor:

3364 Poplar Avenue
Suite 103 B
Memphis, TN 38111
(901)458-2994

The Address and Telephone
Number of the Grantee:

365 Losher Street
Suite 300
Hernando, MS 38632
(662) 429-5590

Richard Leatherman
 Richard Leatherman
 President, Irwin Company

DATE: 3-14-2006

STATE OF Tennessee
 COUNTY OF Shelby

Personally appeared before me, the undersigned authority in and for the said county and state, on this 14th day of March, 2006, within my jurisdiction, the within named Richard Leatherman, who acknowledged that he is President of Irwin Company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said company so to do.

My Commission Expires:

MY COMMISSION EXPIRES MAY 27 2009
 [AFFIX NOTARIAL SEAL]



**A PROPOSED FORTY (40) FOOT WIDE PERMANENT
ACCESS AND UTILITY EASEMENT "A",
A PROPOSED VARIABLE WIDTH PERMANENT ACCESS AND
UTILITY EASEMENT "B" AND A TWENTY FIVE (25) FOOT WIDE
TEMPORARY CONSTRUCTION EASEMENT**

**FOR THE
DESOTO COUNTY REGIONAL UTILITY AUTHORITY**

IRWIN COMPANY
(Deed Book 254, Page 297)

Being a proposed forty (40) foot wide permanent access and utility easement "A", a proposed variable width permanent access and utility easement "B", and a twenty five (25) foot wide temporary construction easement situated in the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4), and the West Half (W 1/2) of the Northwest Quarter (NW 1/4) of Section 16, Township 2 South, Range 9 West, DeSoto County, Mississippi and being out of and a part of that certain parcel of land conveyed to Irwin Company, as described in Deed Book 254 Page 297 in the Chancery Clerk's Office of DeSoto County, Mississippi, and being more particularly described as follows:

**A PROPOSED FORTY (40) FOOT WIDE PERMANENT
ACCESS AND UTILITY EASEMENT "A"**

A proposed forty (40) foot wide permanent access and utility easement being measured twenty (20) feet perpendicular, West of and East of the following described centerline;

COMMENCING for reference at a found railroad spike marking the corner common to Sections 17, 18, 19 and 20, Township 2 South, Range 9 West, DeSoto County, Mississippi;

THENCE run North, 1,955.49 feet to a point;

THENCE run East, 5,411.18 feet to the POINT OF BEGINNING of the herein described centerline description;

THENCE along said centerline, being thirty (30) feet Easterly of, perpendicular to and parallel with the East line of a tract of land conveyed to the DeSoto County School Board as recorded in Deed Book 496, Page 320 in the Chancery Clerk's Office of DeSoto County, Mississippi;

THENCE along said centerline the following courses and distances:

North 45° 01' 40" East, 110.33 feet to the point of curvature of a curve to the left;

Northwesterly along the arc of said curve to the left 1,057.80 feet to the point of tangency thereof. Said curve to the left having a radius of 1,346.00 feet, a central angle of 45° 01' 40", a chord bearing and distance of North 22° 30' 50" East, 1,030.78 feet;

Exhibit "A"

THENCE continuing along said parallel line, run North, 300.69 feet to a point 30.00 feet East of the Northeast corner of the aforesaid DeSoto County School Board property, as recorded in Deed Book 496, Page 320;

THENCE leaving said parallel line and continuing along aforesaid centerline, run the following courses and distances:

North, 360.67 feet to the point of curvature of a curve to the right;

Northeasterly along the arc of said curve to the right, 69.49 feet to the point of tangency thereof. Said curve to the right having a radius of 200.00 feet, a central angle of 19° 54' 29", a chord bearing and distance of North 09° 57' 14" East, 69.14 feet;

North 19° 54' 29" East, 1,063.82 feet to the point of curvature of a curve to the right;

Northeasterly along said curve to the right an arc distance of 38.93 feet to the point of tangency of said curve. Said curve to the right having a radius of 25.00 feet, a central angle of 89° 13' 52", a chord bearing and distance of North 64° 31' 25" East, 35.12 feet;

THENCE continuing along said centerline, run South 70° 51' 39" East, 18.33 feet to a point on the West line of the proposed DeSoto West Pump Station site, said point being the Point of Terminus of the herein described centerline description, containing 2.773 acres, (120,795 square feet), more or less.

A PROPOSED VARIABLE WIDTH PERMANENT ACCESS AND UTILITY EASEMENT "B"

A proposed variable width permanent access and utility easement "B" being more particular described as follows:

COMMENCING for reference at a found railroad spike marking the corner common to Sections 17, 18, 19 and 20, Township 2 South, Range 9 West, DeSoto County, Mississippi;

THENCE run North, 4,756.41 feet to a point;

THENCE run East, 6,317.72 feet to the POINT OF BEGINNING of the herein described easement;

THENCE run Northeasterly along a curve to the left an arc distance of 371.96 feet. Said curve to the left having a radius of 1,242.00 feet, a central angle of 17° 09' 34", a chord bearing and distance of North 08° 57' 50" East, 370.57 feet;

THENCE run North 00° 23' 04" East, 188.18 feet to a point on the North line of the above mentioned Section 16, Township 2 South, Range 9 West, same being the line between the above referenced Irwin Company tract, as recorded in Deed Book 254, Page 297 and the South line of a tract of land as conveyed to Saturn Development, Inc. Tract IV, as recorded in Deed Book 387, Page 494 and Page 510 of the aforesaid Chancery Clerk's Office of DeSoto County, Mississippi;

THENCE along said North Section and property line, run North 89° 55' 26" East, 80.00 feet to a point;

THENCE leaving said North line, run South 00° 23' 04" West, 597.02 feet to a point on the North line of the proposed DeSoto West Pump Station site;

THENCE along said North line, run North 72° 27' 23" West, 141.59 feet to the POINT OF BEGINNING, containing 1.238 acres, (53,911 square feet), more or less.

**A PROPOSED TWENTY FIVE (25) FOOT WIDE TEMPORARY
CONSTRUCTION EASEMENT**

A proposed twenty five (25) foot wide temporary construction easement, lying East of and adjacent to the above described permanent variable width access and utility easement, containing 0.345 acres, (15,014 square feet), more or less.

EAI/WEI, LLC
143-A LeFleurs Square
Jackson, Mississippi 39211

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